

REMARKS

The present Amendment is submitted with a Request for Continued Examination and is a response to the final Office Action dated April 22, 2010. A Notice of Appeal was filed on October 22, 2010 with a Petition for a Three Month Extension of Time and the requisite fee. The present Amendment and concurrently filed Request for Continued Examination are being filed prior to the filing of an Appeal Brief.

Claims 1, 4-28 and 30-31 were pending in the final Office Action. Claims 1, 4, 12 and 14 have been amended herein to correspond to claims 1, 4, 12 and 14 of the Reexamination Certificate. Claims 2 and 29 were previously canceled in the present application. Claim 3 was canceled in the Reexamination Certificate. Claims 30-31 have been canceled herein without prejudice or disclaimer. New claim 32 has been added. Thus, claims 1, 4-28 and 32 are currently pending.

The Examiner has repeated his rejection of claims 1, 4-11 and 20 under 35 U.S.C. § 251 as allegedly being an improper recapture of broadened claimed subject matter surrendered in the application for patent upon which the present reissue is based.

While Applicant does not agree with this rejection for the reasons set forth in Applicant's previous responses, in an effort to advance prosecution of the present application, claims 1 and 4 have been amended herein to correspond to claims 1 and 4 in the Reexamination Certificate and eliminate the allegedly recaptured subject matter. Accordingly, Applicant respectfully submits that there can be no issue of recapture related to these claims.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 4-11 and 20 under Section 251.

Claims 12-14 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Grassberger in view of Meshberg (3,083,872). Claims 12 and 15 have also been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Walker in view of Meshberg (3,083,872). Applicant respectfully requests reconsideration of these rejections.

As noted above, claim 12 and 14 have been amended herein to correspond to claims 12 and 14 of the Reexamination Certificate. Applicant respectfully submits that amended independent claim 12, and the claims depending therefrom, including claims 13-15, are patentable over the cited art

since none of the references cited by the Examiner, either alone, or in combination, shows or suggests the patentable features of claim 12 reflected in the Reexamination Certificate.

Claims 30 and 31 have been rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent 4,272,024 to Kah. Reconsideration and withdrawal of this rejection is respectfully requested.

While Applicant believes that claims 30 and 31 are distinguishable over Kah for the reasons set forth in the previous responses, in an effort to advance prosecution of the present application, claims 30-31 have been canceled without prejudice or disclaimer.

Accordingly, Applicant respectfully submits that the rejection of claims 30-31 is moot.

Claims 16-19 and 21-28 have been allowed. New claim 32 has been added. Claim 32 corresponds to claim 2 of the Reexamination Certificate, and thus, is also believed to be patentable.

In light of the remarks and amendments herein, Applicant respectfully submits that claims 1, 4-28 and 32 are patentable over the cited art and are in condition for allowance.

Favorable reconsideration and allowance of this application are respectfully solicited.

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY
THROUGH THE PATENT AND
TRADEMARK OFFICE EFS FILING
SYSTEM ON December 21, 2010.

Respectfully submitted,



Keith J. Barkaus

Registration No.: 51,431

OSTROLENK FABER LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

DAM/KJB